BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

RIVERSIDE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024080064

NOTICE OF NO ACTION REGARDING NOTICE OF INSUFFICIENCY AND REQUEST FOR DISMISSAL

AUGUST 15, 2024

On July 31, 2024, self-represented Parent, on behalf of Student, filed a request for due process hearing, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Riverside Unified School District as respondent. On August 15, 2024, Riverside filed a document titled Notice of Insufficiency and Response to Petitioner's Request for Due Process Hearing. This document also contained a request that Student's complaint be dismissed. On August 15, 2024, Student filed a response to Riverside's document, asserting that Riverside's motions should be dismissed without prejudice as it contained multiple assertions, none of which attacked the sufficiency of the request for due process.

While "dismissal" of Riverside's document is not the appropriate procedural step in these circumstances, OAH will take no action on Riverside's motions. OAH does not rule on documents containing multiple motions. This is an excellent example of the basis for the rule. In attempting to combine a notice of insufficiency, a request for dismissal and a response to Student's complaint, Riverside makes responses and rulings to their motions confusing and cumbersome. The response to the complaint requires no action on the part of Student or OAH, the notice of insufficiency has a defined and short timeline for both Student's response and OAH ruling and a motion to dismiss does not have such a statutory schedule. Riverside's response to Student's complaint is acknowledged as filed. No action will be taken on Riverside's ostensible Notice of Insufficiency or its request that Student's complaint be dismissed. Nothing in this notice prevents Riverside from refiling whatever motions it deems appropriate separately on a future date.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings